

**Remarks**

The Official Action rejected claims 1-28. Applicant has amended claims 1, 4, 7, 9, 10, 12, 15, 18, and 21-25 and canceled claims 2, 20, and 28. Claims 1, 3-19, and 21-27 remain pending in the application. Applicants believe the present application as amended is in condition for allowance. Allowance of claims 1, 3-19, and 21-27 is therefore earnestly solicited.

**Claim Rejections – 35 USC § 112 (first paragraph)****Claims 7, 8, 15, 16, and 25**

The Official Action rejected claims 7, 8, 15, 16, and 25 as failing to comply with the written description requirement. Applicant has amended claim 7, 8, 15, 16, and 25 to overcome the rejection. Applicant respectfully requests the rejection of claims 7, 8, 15, 16, and 25 to be withdrawn.

**Claim Rejections – 35 USC § 112 (second paragraph)****Claims 4, 12, and 28**

The Official Action rejected claims 4, 12 and 28 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 4 and 12 to overcome the rejection and canceled claim 28. Applicant respectfully requests the rejection of claims 4 and 12 to be withdrawn.

**Claim Rejections – 35 USC § 103**

The Office Action rejected claims 1-28 under 35 USC 103 (a) as being unpatentable over Lin et al (2008/0215652). Applicant has amended claims 1, 9, and 18 to include limitations not taught by Lin. For example, Lin appears to teach (see paragraph 0007) *communication systems affording non-integer bits per symbol*. To this end, Lin appears (see paragraph 0027) to select  $K (=7)$  bits and  $K + 1 (=8)$  bits to generate a data bit rate of about 7.125 data bits/symbol and  $K (=8)$  bits and  $K+1 (=9)$  bits (see paragraph 0029) to generate a data bit rate of about 8.198 data bits/symbol. Lin merely appears to teach a communication system affording to have non-integer bits/symbol to match the desired data bits/transmitted symbol. Lin does not appear to teach all the limitations taught by the independent claims 1, 9, and 18 and the dependent claims 3-8, 10-17, and 19-27. Therefore, Applicants respectfully request the rejection of claims 1, 3-19, 21-27 be withdrawn.

**Conclusion**

The foregoing is submitted as a full and complete response to the Official Action. Applicants submit that the application is in condition for allowance. Reconsideration is requested, and allowance of the pending claims is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666. If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (503) 439-8778 is respectfully solicited.

Respectfully submitted,

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